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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,988	10/29/2001	Hideyasu Kanemaki	100794-00057(FUJI 19.116)	9354
26304 7590 04/14/2008 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER TRAN, NGHI V	
			ART UNIT 2151	PAPER NUMBER
			MAIL DATE 04/14/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/005,988	<b>Applicant(s)</b> KANEMAKI ET AL.	
	<b>Examiner</b> NGHI V. TRAN	<b>Art Unit</b> 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 26-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/01/2008</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This office action is in response to the amendment filed on January 22, 2007. Claims 1-2, 9-10, 13-14, 17-18, and 26-27 have been amended. Claims 19-25 have been canceled. Therefore, claims 1-18 and 26-27 are presented for further examination.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 22, 2007 has been entered.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 9-18, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takihiro et al., U.S. Patent No. 6,278,712 (hereinafter Takihiro) in view of Ebata et al., U.S. Patent No 6,708,209 (hereinafter Ebata).

5. With respect to claims 1 and 26-27, Takihiro teaches a method of reserving a transmission band [= resource reservation, see abstract] of a transmission line for transmitting data via a plurality of Internet service providers [For example, Takihiro discloses the user terminals **4-1** and **4-2** is a network device of the user connected to the network 1 via the switching nodes **2-2** and **2-4**, see fig.1. According to Wikipedia, ISPs employ a range of technologies to enable consumers to connect to their network. Therefore, user's terminals, **4-1** and **4-2** is connected to the network **1** which is inherently including their ISPs] on the Internet [= an Internet standard protocol, see claim 17] between a content server [= communication destination such as sales department's video server **520**] and a terminal [= a user terminal, **4-2**], the method comprising the steps of:

- (a) the content server [= communication destination such as sales department's video server **520**] requesting an intermediary server [= resource management server **200** of fig.26] to reserve the transmission band by transmitting a user policy [= resource reservation detail, fig.37] that includes an ordering number [= receipt number such as 3872 **910**], a requested band [= request communication band such as 1.5 Mbps **570**], a

reservation start date and time [= start date and time **560**], and a  
reservation end date and time [= end date and time **560**] [fig.29]; and

- (b) the intermediary server reserving the transmission band for the first  
terminal and the second terminal [col.23, ll.36 through col.24, ll.52],

wherein the reserving step further includes the steps of: receiving the user  
policy [= receives the resource reservation request from user, col.24, ll.28];  
storing the received user policy [= reserved resource management table **214**];  
receiving a band reservation result from each corresponding policy server [=  
notify result of resource reservation **1520**]; determining whether the requested  
band reservation is confirmed by the band reservation results [= approval to  
resource reservation **1540**]; and transmitting the band reservation results to the  
content server [figs.35-37],

However, Takihiro does not explicitly show searching for IP addresses of policy  
servers of the plurality of Internet server providers; transmitting the user policy to each  
policy server corresponding to each of the plurality of Internet service providers, said  
each policy server storing the transmitted user policy, and wherein charging data, for  
charging one or more of a transmitter and a receiver to said data for transmission  
quality assurance per said plurality of Internet service providers, is constructed at one or  
more of said content server, said intermediary server, and said policy server.

In a transmission method, Ebata discloses searching for IP addresses of policy  
servers of the plurality of Internet server providers [figs.5, 19-21 and col.4, ll.62 through

col.5, ll.64]; transmitting the user policy to each policy server corresponding to each of the plurality of Internet service providers [col.9, ll.4, through col.10, ll.15], said each policy server storing the transmitted user policy [figs. 5 and 19] and wherein charging data [= what is charged **701**, fig.22], for charging one or more of a transmitter and a receiver to said data for transmission quality assurance per said plurality of Internet service providers, is constructed at one or more of said content server, said intermediary server, and said policy server [col.14, ll.66 through col.16, ll.34].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Takihiro in view of Ebata by charging one or more of a transmitter and a receiver to said data for transmission quality assurance per said plurality of Internet service providers because these feature can be guaranteed in its own network, or local network, for an inter-network communication [Ebata, col.2, ll.6-7]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to provide a quality-guaranteed path extending to a plurality of networks which has a quality guaranteed by, and not violating, the policies made public by the policy servers of a plurality of networks associated with the quality-guaranteed path to be provided [Ebata, col.2, ll.23-37].

6. With respect to claim 2, Takihiro further teaches the content server transmits IP addresses of the content server and the terminal, IP addresses of each of a plurality of routers on the transmission line between the content server and the terminal, and the requested band to the intermediary server [col.23, ll.36 through col.24, ll.52].

7. With respect to claim 3, Takihiro further teaches the intermediary server identifies a band reservation setting server [= resource management server **200**] for each of the plurality of routers from the IP addresses thereof, each of the band reservation setting servers causing its respective router to reserve the transmission band [col.23, ll.36 through col.24, ll.52].

8. With respect to claim 4, Takihiro further teaches the intermediary server identifies the band reservation setting servers by referring to a table [= reserved resourced management table, **214-1**] on which IP addresses of each of the band reservations servers is recorded so as to be correlated with an IP address of its respective router [fig.22].

9. With respect to claim 5, Takihiro further teaches each of the band reservation setting servers causes its respective router to reserve the transmission band in accordance with band setting requests transmitted from the intermediary server [col.234, ll.36 through col.24, ll.52].

10. With respect to claim 9, Takihiro further teaches the intermediary server, instead of the desired band value [= communication band such as 1.5Mbps **730**], utilizes an ID [= service class **720**] of one of the Internet service providers to which one the second communication device is connected and IP addresses of communication devices

connected to the one of the Internet service providers, the ID and the IP addresses being transmitted from the one of the Internet service providers [figs.31-32].

11. With respect to claim 10, Takihiro further teaches the desired band value is a transmission rate [= communication band such as 1.5Mbps **730**] at which the second communication device is connected to the one of the Internet service providers [fig.31].

12. With respect to claim 11, Takihiro further teaches the intermediary server transmits an inquiry about the transmission rate to the one of the Internet service providers [= reservation request and sending an inquiry, see claim 16 and fig.26].

13. With respect to claim 12, Takihiro further teaches the one of the Internet service providers responds to the inquiry from the intermediary server [= reservation request and sending an inquiry, see claim 16 and fig.26].

14. With respect to claim 13, Takihiro further teaches the content server transmits IP addresses of the content server and the terminal, and IP addresses of routers on the transmission line to the intermediary server [col.23, ll.36 through col.24, ll.52].

15. With respect to claim 14, Takihiro further teaches a desired value of the transmission band is a transmission rate [= communication band such as 1.5Mbps **730**]



at which the second communication device is connected to a corresponding one of the Internet service providers [fig.31].

16. With respect to claim 15, Takihiro further teaches the intermediary server transmits an inquiry about the transmission rate [= communication band such as 1.5Mbps **730**] to the corresponding one of the Internet service providers [= reservation request and sending an inquiry, see claim 16 and fig.26].

17. With respect to claim 16, Takihiro further teaches the corresponding one of the Internet service providers responds to the inquiry from the intermediary server [= reservation request and sending an inquiry, see claim 16 and fig.26].

18. With respect to claim 17, Takihiro discloses the terminal [= user terminal **4-1**] is connected to one of the Internet service providers [fig.1] and the content server, based on a request of the terminal for the content [= receives the resource reservation request, col.24, ll.28].

However, Takihiro does not explicitly show a copy server having a copy of a content distributed by the content server.

In a transmission method, Ebata discloses a copy server having a copy of a content distributed by the content server and informs the copy server that the content is distributed from the copy server to the terminal by reserving a transmission band

between the content server and the terminal [= asynchronously occurring user requests for immediate reservation, col.4, ll.11-25].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Takihiro in view of Ebata by copying a content distributed by the content server because these feature can be guaranteed in its own network, or local network, for an inter-network communication [Ebata, col.2, ll.6-7]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to provide a quality-guaranteed path extending to a plurality of networks which has a quality guaranteed by, and not violating, the policies made public by the policy servers of a plurality of networks associated with the quality-guaranteed path to be provided [Ebata, col.2, ll.23-37].

19. With respect to claim 18, Takihiro does not explicitly show the copy server transmits an IP address thereof, an IP address of the second communication device, a desired band value to be reserved, and IP addresses of all routers between the copy server and the second communication device to the intermediary server.

In a transmission method, Ebata discloses the copy server transmits an IP address thereof, an IP address of the second communication device, a desired band value to be reserved, and IP addresses of all routers between the copy server and the second communication device to the intermediary server [= asynchronously occurring user requests for immediate reservation, col.4, ll.11-25 figs.1-2].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Takihiro in view of Ebata by copying a content distributed by the content server because these feature can be guaranteed in its own network, or local network, for an inter-network communication [Ebata, col.2, ll.6-7]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to provide a quality-guaranteed path extending to a plurality of networks which has a quality guaranteed by, and not violating, the policies made public by the policy servers of a plurality of networks associated with the quality-guaranteed path to be provided [Ebata, col.2, ll.23-37].

20. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over both Takihiro in view of Ebata as applied to claim 3 above, and further in view of Ise et al., U.S. Patent No. 6,336,129 (hereinafter Ise).

21. With respect to claim 6, Takihiro in view of Ebata does not explicitly the steps (c) the first communication device requesting the intermediary server to release the reserved transmission band; and (d) the intermediary server releasing the reserved transmission band.

In a method of reserving a transmission band, Ise discloses the steps of: (c) the first communication device [= transmitting terminal **501**] requesting the intermediary server to release [= teardown] the reserved transmission band [col.2, ln.64 - col.3, ln.38

and fig.3]; and (d) the intermediary server [= LSR **701**, **702**, **703**, or 704 i.e. LSR] releasing the reserved transmission band [figs.11-13].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Takihiro in view of Ebata, and further in view of Ise by requesting the intermediary server to release the reserved transmission band because this feature “is possible to delete the reserved bandwidth immediately” [Ise, col.3, Ins.15-16]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify in order “to deal with a change of communication route by the network and a malfunction of a router” [Ise, col.3, Ins.17-19].

22. With respect to claim 7, Takihiro teaches the intermediary server instructs the band reservation setting servers [col.23, ll.35 through col.24, ll.52]. However, Takihiro in view of Ebata does not explicitly the intermediary server instructs the band reservation setting servers to release the reserved transmission band.

In a method of reserving a transmission band, Ise discloses the intermediary server [Ise, 701, 702, 703, or 704 i.e. LSR] instructs the band reservation setting servers (i.e. the receiving terminal or a router from a receiving side) to release the reserved transmission band [Ise, col.2, ln.64 - col.3, ln.38 and fig.3].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Takihiro in view of Ebata, and further in view of Ise by instructing the band reservation setting servers to release the reserved

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transmission band because this feature “is possible to delete the reserved bandwidth immediately” [Ise, col.3, Ins.15-16]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify in order “to deal with a change of communication route by the network and a malfunction of a router” [Ise, col.3, Ins.17-19].

23. With respect to claim 8, Takihiro in view of Ebata does not explicitly show each of the band reservation setting servers causes its respective router to release the reserved transmission band in accordance with a band release request transmitted from the intermediary server.

In a method of reserving a transmission band, Ise discloses each of the band reservation setting servers causes its respective router to release the reserved transmission band in accordance with a band release request transmitted from the intermediary server [Ise, figs. 3 and 11-13].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Takihiro in view of Ebata, and further in view of Ise by releasing the transmission band of all the respective routers because this feature “is possible to delete the reserved bandwidth immediately” [Ise, col.3, Ins.15-16]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order “to deal with a change of communication route by the network and a malfunction of a router” [Ise, col.3, Ins.17-19].

***Response to Arguments***

24. Applicant's arguments with respect to claims 1-18 and 26-27 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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